

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JEFFREY E. WALKER

Plaintiff,

v.

MINA BESHARA, et al.,

Defendants.

Case No. 1:20-cv-1050 JLT HBK (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION IN FULL,
DISMISSING THE ACTION WITHOUT
PREJUDICE, AND DIRECTING THE CLERK
OF COURT TO CLOSE THE CASE**

(Doc. 60)

Jeffrey Walker initiated this action pursuant to 42 U.S.C. § 1983, seeking to hold the defendants liable for violations of his civil rights. The magistrate judge found Plaintiff failed to state a claim and granted Plaintiff leave to file an amended complaint. In the alternative, the Court informed him that he could notify the Court that he chose to stand on the allegations of the First Amended Complaint or file a notice of voluntary dismissal. (Doc. 53.)

Although the Court granted extensions of time, Plaintiff failed to file an amended complaint by the ordered deadline of July 14, 2023. (*See* Doc. 59.) The magistrate judge found Plaintiff failed to prosecute this action and failed to comply with the Court's orders, and recommended the case be dismissed without prejudice. (Doc. 60) The Court served the Findings and Recommendations on Plaintiff, and it notified him that any objections were due within 14 days. (*Id.* at 5.) The Court also informed him that the "failure to file objections within the specified time may result in waiver of his rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*,

1 772 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).)
2 Plaintiff did not file any objections and the time to do so has expired.

3 According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a de novo review of this
4 case. Having carefully reviewed the entire file, the Court concludes the Findings and
5 Recommendation are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations filed on July 31, 2023 (Doc. 60) are
7 **ADOPTED** in full.
- 8 2. The action is **DISMISSED** without prejudice.
- 9 3. The Clerk of Court shall close this case.

10
11 IT IS SO ORDERED.

12 Dated: **September 6, 2023**


UNITED STATES DISTRICT JUDGE